

OPINION 1117
 REFUSAL OF REQUEST FOR TWO RULINGS
 CONCERNING THE NAMES OF SPECIES OF
SPHAERODACTYLUS (REPTILIA LACERTILIA)

RULING.- (1) The request to place the subspecific name *continentalis* Werner, 1896, as published in the combination *Sphaerodactylus argus continentalis*, on the Official List of Specific Names in Zoology is hereby refused.

(2) The request to restrict the application of that name to the species represented by *Sphaerodactylus lineolatus* Taylor, 1956 (*non* Lichtenstein & von Martens) is refused.

HISTORY OF THE CASE Z.N.(S.) 1566

An application for the placing of the subspecific name *continentalis*, as published in the combination *Sphaerodactylus argus continentalis*, on the Official List of Specific Names in Zoology, and for a ruling restricting the application of that name in a particular sense, was first received from Professor Hobart M. Smith (then of *University of Illinois*) and Dr Paul V. Terentiev (*University of Leningrad*) on 3 August 1962. It was sent to the printer on 31 January 1963 and published on 21 October 1963 on pp. 367–369 of vol. 20 of the *Bulletin of Zoological Nomenclature*. An adverse comment was received from Dr Carl L. Hubbs (*University of California*). No other comment was received.

DECISION OF THE COMMISSION

On 3 June 1975 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1965)18 for or against the proposals set forth in *Bull. zool. Nom.*, vol. 20: 368–369. At the close of the voting period on 3 September 1965 the state of the voting was as follows:

Affirmative Votes – four (4) received in the following order: Bonnet, Riley, Brinck, Jaczewski

Negative Votes – twenty (20) received in the following order: Holthuis, Mayr, China, Vokes, Binder, Simpson, Munroe, Sabrosky, Miller, Alvarado, do Amaral, Lemche, Uchida, Tortonese, Obruchev, Forest, Boschma, Kraus, Mertens, Ride

Late negative votes – three (3): Evans, Hubbs, Stoll.

The following comments were returned by members of the Commission with their voting papers:

Holthuis: "I entirely agree with Dr Hubbs."

Mayr: "I agree with Hubbs that this case does not require action by the Commission. If the decision by Smith & Alvarez de Toro is wise it will be accepted by herpetologists without action by the Commission. The absence of diagnostic characters in the type is not unusual in zoology."

Vokes: "I agree with Dr Hubbs that *nomina dubia* should be treated as such - and left as such."

Simpson: "I agree with Hubbs and would add that endorsing the application by Smith & Terentiev would practically amount to amending or adding to the Code."

Sabrosky: "I oppose zoological decisions by the Commission. If I were a herpetologist I would follow Smith & Alvarez de Toro (1961) and use *continentalis* Werner, until proved otherwise."

Alvarado: "I found the objection by Dr Hubbs so strong that I think it preferable to await more extensive information on the case."

Lemche: "The proposal must be rejected because improperly presented. Two independent definitions of *S. argus continentalis* are sought to be authorised, (1) the "holotype" in Leningrad, and (2) the figures given by Taylor (1956). If a holotype is present, there is no need for action; if it does not suffice for identification, the name should not be used."

Brinck: "About 80 per cent of the names of invertebrates from before 1800 are *nomina dubia* if the descriptions are examined on the basis of present day knowledge. Present interpretations (when final) are based on examination of types and restriction by revisers. To me it is evident that old names (at times regarded as *nomina dubia*) retain availability and authorship as of the original description. As everybody who scans numerous scientific journals knows, *nomina dubia* are still published, and this will continue, I am afraid, for some time!"

Ride: "This application, and Dr Hubbs's comments, raise wider issues which require clarification if general confusion is to be avoided in applications which concern *nomina dubia*.

"It must first be made clear that in Opinion 126 the Commission did not rule that *nomina dubia* become nomenclaturally available as of the date of fixation (clarification). . etc. This Opinion is of historical interest only (Art. 78f); moreover, it relates only to the names in d'Orbigny's 1850 *Prodrome* (see *Bull. zool. Nom.* vol. 4: 297, para 19.2). Secondly, the first reviser principle has no application in the Code to the fixation of *nomina dubia*.

"However, although the Code does not specifically set out a

procedure for dealing with *nomina dubia*, such names can be fixed, or rendered unavailable, through its provisions (which include the plenary powers). Thus:

- (a) where a name has remained unused as the valid name of a taxon for a long period, its continued presence as a *nomen dubium* constitutes a threat to the stability of names in current use and its suppression under the plenary powers is indicated;
- (b) where a name is in use as the valid name of a taxon and it is found to be a *nomen dubium*, it is usually desirable to fix it in its accustomed usage. But for it to be a *nomen dubium*, it must have either (i) no surviving type and an inadequate description, or (ii) an indeterminable type. Names in case (i) can often be dealt with through the selection of a neotype (Art. 75), but those in (ii) should be referred to the Commission with a request for the suppression of the original type specimen and its replacement by one which undoubtedly belongs to the species to which the name is currently applied.

"In the case of *Sphaerodactylus argus continentalis* Werner, 1896, the name is indeterminable because of the unsatisfactory nature of the holotype. The applicants state that the name has remained unused as the valid name of any taxon since its original proposal (except in a single paper, in press, by one of the applicants and Dr Alvarez de Toro). Accordingly, I am of the opinion that the name does not warrant conservation. But since its continued presence as a *nomen dubium* constitutes a threat to stability, some action is required which involves the use of the plenary powers and I am of the opinion that the Commission ought to be asked to vote on its suppression."

CERTIFICATE

I certify that the votes cast on Voting Paper (65)18 were cast as set out above, that the proposal contained in that voting paper has been duly rejected, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1117.

R.V. MELVILLE

Secretary

International Commission on Zoological Nomenclature
London
29 September 1978